

Decision No. R20-0356-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19F-0620E

LA PLATA ELECTRIC ASSOCIATION, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

PROCEEDING NO. 19F-0621E

UNITED POWER, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING IN PART AND DENYING IN PART
REQUEST FOR SHORTENED RESPONSE TIME**

Mailed Date: May 8, 2020

I. SUMMARY

1. La Plata Electric Association, Inc. and United Power, Inc. (United Power) (collectively, Complainants) filed these formal complaints against Tri-State Generation and

Transmission Association, Inc. (Tri-State) on November 5 and 6, 2019, respectively, requesting that this Commission determine a just, reasonable, and non-discriminatory exit charge for Complainants. On November 25, 2019, by Decision No. C19-0955-I, the Commission consolidated the complaints in Proceeding Nos. 19F-0620E and 19F-0621E and designated Commissioner Frances Koncilja as the Hearing Commissioner.

2. The procedural history of this proceeding is set out in previous Decisions and is repeated here as necessary to put this Decision in context.

3. Commissioner Koncilja's term expired in January 2020. She was asked and agreed to continue to serve until a new commissioner was appointed and confirmed in her stead. A new Commissioner was sworn in on March 13, 2020.

4. On March 13, 2020, by Decision No. R20-0175-I, the evidentiary hearing in this proceeding, scheduled for March 23 to March 27, 2020, was suspended and the proceeding returned to the Commission *en banc*.

5. On March 23, 2020, United Power filed its Notice of After-Decided Authority and Request for Video or Telephonic Status Conference.

6. On March 26, 2020, by Decision No. C20-0201-I, the Commission referred the matter to an ALJ.

7. On April 3, 2020, by Decision No. R20-0218-I, a status conference was scheduled for April 14, 2020.

8. At the status conference, the parties agreed to a procedural schedule that called for the evidentiary hearing to commence on May 18, 2020.

9. On May 7, 2020, Tri-State filed its Motion for Leave to Exceed Page Limit and Request for Shortened Response Time (Motion to Exceed Page Limit).

10. This Decision does not address the merits of the Motion to Exceed Page Limit. The merits of the Motion to Exceed Page Limit will be addressed in a later decision. This Decision only addresses the request to shorten response time.

11. Tri-State requests that response time to the Motion to Exceed Page Limit be shortened to five days from the date of the filing of the motion or until May 12, 2020. Tri-State requests this since the evidentiary hearing is scheduled to begin on May 18, 2020.

12. Shortening the Response time to five days would allow the Complainants only two business days to respond to the Motion to Exceed Page Limit. The undersigned finds good cause to shorten response time due to the proximity of the evidentiary hearing but believes five days (two business days) is insufficient time for the Complainants to properly address the issue.

13. Good cause is found to shorten Response time to seven days or until May 14, 2020.

II. ORDER

A. It Is Ordered That:

1. The Request to Shorten Response Time to the Motion for Leave to Exceed Page Limit filed by Tri-State Generation and Transmission Association, Inc. on May 7, 2020, is granted in part and denied in part.

2. Response time to the Motion for Leave to Exceed Page Limit is shortened to seven days.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director